IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24430 of 2004

Between:

Draksharapu Venkataramana

S/o late Apparao, OCC: Agriculture, aged 36 years,

R/o 6-20, Paravada village,

Paravada Mandal, Visakhapatnam District.

... PETITIONER

AND

1. The Special Dy.Collector (LA)

A.P.I.I.C, Industrial Estates,

Visakhapatnam

2. The District Collector, Visakhapatnam

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to direct the respondents one in the nature of Writ of Mandamus directing the respondents herein to conduct enquiry with regard the ownership of the property in Sy.No.113 admeasuring Ac.2.55 cents situated at Parvada Village, Visakhapatnam District pursuant to the 4 (1) Notification of the Land Acquisition Act published in Andhra Prabha daily newspaper, Visakhapatnam dated 19-05-2003 .

Counsel for the Petitioner: MR.P.SURESH

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. Learned counsel for the petitioner submits that petitioner is not questioning the notification issued under Section 4(1) of the Land Acquisition Act (for short 'the Act'), but only claiming compensation for the lands.

2. Petitioner claims to be the successor over the property admeasuring Ac.2.55 cents situated at Paravada Village, Visakhapatnam District, which is the subject matter of acquisition covered by notification dated 27-05-2004 issued under Section 4(1) of the Act, in which the names of third parties were shown as possessors. On issuance of the notification, petitioner states that he made a representation dated 25-08-2004 claiming that he is the owner of the property and to conduct enquiry and declare him as the owner and possessor of the aforesaid land. In spite of the said representation, no enquiry whatsoever had been conducted by the first respondent. In view of the same, petitioner filed the present Writ Petition to direct the respondents to conduct an enquiry with regard to the ownership of the property over the lands, which are the subject matter of acquisition. Petitioner already made representation for compensation for the said land.

3. In view of the same, respondents shall issue notice to the petitioner about the due date of enquiry and the petitioner can participate in the award enquiry and file his claim petition claiming compensation and can substantiate his right over the said property during the course of the award enquiry. After giving opportunity to the petitioner, necessary award shall be passed by the Land Acquisition Officer based upon the documents that may be submitted by him claiming compensation for the said property.

The Writ Petition is accordingly disposed of. No costs.

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N.V. RAMANA, J

December 29, 2004

MRR / SVV

ASSISTANT REGISTRAR

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SECTION OFFICER

Copy to:

1. The Special Dy.Collector (LA)

A.P.I.I.C, Industrial Estates,

Visakhapatnam

2. The District Collector, Visakhapatnam

3. Two C.C. s to the G.P. for Land Acquisition, High Court Buildings, Hyderabad

(OUT)

4. Two C.D. Copies.